United Nations A/58/484/Add.3

General Assembly

Distr.: General
17 December 2003
English
Original: Spanish

Fifty-eighth session
Agenda item 94 (c)

Environment and sustainable development: Convention on Biological Diversity

Report of the Second Committee*

Rapporteur: Mr. José Alberto **Briz Gutiérrez** (Guatemala)

I. Introduction

1. The Second Committee held a substantive debate on agenda item 94 (see A/58/484, para. 2). Action on sub-item (c) was taken at the 24th, 37th and 40th meetings, on 3 November and on 11 and 16 December 2003. An account of the Committee's consideration of the sub-item is contained in the relevant summary records (A/C.2/58/SR.24, 37 and 40).

II. Consideration of draft resolutions A/C.2/58/L.11 and A/C.2/58/L.61

2. At the 24th meeting, on 3 November, the representative of Morocco, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Convention on Biological Diversity" (A/C.2/58/L.11), which read:

"*The General Assembly*,

"*Recalling* its resolutions 55/201 of 20 December 2000, 56/197 of 21 December 2001 and 57/253 and 57/260 of 20 December 2002,

"*Reaffirming* the sovereign rights of States over their own biological resources,

* The report of the Committee on this item will be issued in nine parts, under the symbol A/58/484 and Add.1-8.

03-66148 (E) 191203

"*Reiterating* that the Convention on Biological Diversity is the key international instrument for the conservation and sustainable use of biological resources and the fair and equitable sharing of benefits arising from the use of genetic resources,

"*Recalling* that a more efficient and coherent implementation of the three objectives of the Convention and the achievement by 2010 of a significant reduction in the current rate of loss of biological diversity will require the provision of new and additional financial and technical resources to developing countries,

"*Recognizing* the rights of local and indigenous communities that are holders of traditional knowledge, innovations and practices and, with the approval and involvement of the holders of such knowledge, the need to develop and implement benefit-sharing mechanisms on mutually agreed terms for the use of such knowledge, innovations and practices,

"*Expressing its deep appreciation* for the generous offer of the Government of Malaysia to host the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity and the first meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, to be held at Kuala Lumpur, respectively, from 9 to 20 February and from 23 to 27 February 2004,

"1. *Takes note* of the report of the Executive Secretary of the Convention on Biological Diversity, submitted by the Secretary-General to the General Assembly at its fifty-eighth session;

"2. *Notes* the outcome of the open-ended intersessional meeting on the multi-year programme of work of the Conference of the Parties to the Convention on Biological Diversity up to 2010, held at Montreal, Canada, from 17 to 20 March 2003, and examined the outcome of the World Summit on Sustainable Development, held at Johannesburg, South Africa, from 26 August to 4 September 2003, as it relates to the Convention process;

"3. *Notes also* the outcomes of the eighth and ninth meetings of the Subsidiary Body on Scientific, Technical and Technological Advice of the Conference of the Parties to the Convention on Biological Diversity, held at Montreal, Canada, from 10 to 14 March and from 10 to 14 November 2003;

"4. *Emphasizes* the importance of the full and effective implementation of the Convention to the realization of the internationally agreed development goals, including the Millennium Development Goals and for the achievement of the latter to be consistent with the objectives of the Convention;

"5. *Invites* the parties to the Convention to take the necessary steps to finalize the negotiations of the international regime to promote and safeguard the fair and equitable sharing of benefits arising from the utilization of genetic resources so as to foster the effective implementation of the three objectives of the Convention;

"6. *Stresses* the importance of harmonizing the reporting requirements of the biodiversity-related conventions and, in this regard, encourages further implementation of relevant decisions of those conventions;

"7. *Urges* developed countries parties to the Convention to contribute to the relevant trust fund of the Convention so as to enhance the full participation of the developing country parties in all its activities;

"8. *Welcomes* the entry into force of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, on 11 September 2003, and the convening of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, and invites the parties to the Convention that have not yet ratified or acceded to the Protocol to do so;

"9. *Emphasizes* that the effective implementation of the Cartagena Protocol on Biosafety will require full support from parties, Governments and relevant international organizations, as well as other stakeholders;

"10. *Urges* developed countries to facilitate the transfer of environmentally sound biotechnology for the effective implementation of the Cartagena Protocol on Biosafety, in accordance with the relevant articles of the Convention and the Protocol;

"11. *Underlines* the need for financial resources and capacity-building for the implementation of the Cartagena Protocol on Biosafety, particularly with regard to strengthening national capacities for making the required information available to and interacting with the Biosafety Clearing House, with a view to enabling parties to the Protocol, especially developing countries, effectively to implement the Protocol in general and to make informed decisions on imports of living modified organisms in particular;

"12. *Takes note* of the ongoing work of the liaison group of the secretariats and offices of the relevant subsidiary bodies of the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, and the Convention on Biological Diversity, and further encourages continuing cooperation in order to promote complementarities among the secretariats while respecting their independent legal status;

"13. *Invites* the Executive Secretary of the Convention on Biological Diversity to continue reporting to the General Assembly on the ongoing work regarding the Convention as well as its Cartagena Protocol;

"14. *Decides* to include in the provisional agenda of its fifty-ninth session the sub-item entitled 'Convention on Biological Diversity'."

3. At its 37th and 40th meetings, on 11 and 16 December 2003, the Vice-Chairperson of the Committee, Irena Zubčević (Croatia), introduced and orally corrected the draft resolution entitled "Convention on Biological Diversity" (A/C.2/58/L.61), which she submitted on the basis of informal consultations held on draft resolution A/C.2/58/L.11 (see A/C.2/58/SR.37 and 40).

4. At the 37th meeting, on 11 December, following a statement by the representative of Morocco, the Secretariat informed the Committee that it would reissue draft resolution A/C.2/58/L.61 for technical reasons (see A/C.2/58/SR.37). The Committee then deferred its consideration to a later date.

5. At its 40th meeting, on 16 December, the Committee had before it the reissued draft resolution entitled "Convention on Biological Diversity" (A/C.2/58/L.61).

6. At the same meeting, the Committee adopted draft resolution A/C.2/58/L.61 (see para. 8).

7. In the light of the adoption of draft resolution A/C.2/58/L.61, draft resolution A/C.2/58/L.11 was withdrawn by its sponsors.

III. Recommendation of the Second Committee

8. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Biological Diversity

The General Assembly,

Recalling its resolutions 55/201 of 20 December 2000, 56/197 of 21 December 2001 and 57/253 and 57/260 of 20 December 2002,

Reiterating that the Convention on Biological Diversity[1] is the key international instrument for the conservation and sustainable use of biological resources and the fair and equitable sharing of benefits arising from the use of genetic resources,

Recalling the World Summit on Sustainable Development (WSSD) commitments to pursue a more efficient and coherent implementation of the three objectives of the Convention and the achievement by 2010 of a significant reduction in the current rate of loss of biological diversity, which will require action at all levels, including the implementation of national biodiversity strategies and action plans and the provision of new and additional financial and technical resources to developing countries,

Reaffirming the urgency to, subject to national legislation, recognize the rights of local and indigenous communities who are holders of traditional knowledge, innovations and practices, and, with the approval and involvement of the holders of such knowledge, innovations and practices, to develop and implement benefit-sharing mechanisms on mutually agreed terms, for the use of such knowledge, innovations and practices,

Expressing its deep appreciation for the generous offer of the Government of Malaysia to host the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity and the first meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, to be held in Kuala Lumpur, respectively, from 9 to 20 February and from 23 to 27 February 2004,

1. *Takes note* of the report of the Executive Secretary of the Convention on Biological Diversity, submitted by the Secretary-General to the General Assembly at its fifty-eighth session;[2]

---

[1] United Nations, *Treaty Series*, vol. 1760, No. 30619.

[2] A/58/191.

2. *Notes* the outcome of the open-ended intersessional meeting on the multi-year programme of work of the Conference of the Parties to the Convention on Biological Diversity up to 2010, held at Montreal, Canada, from 17 to 20 March 2003;

3. *Notes also* the outcomes of the eighth and ninth meetings of the Subsidiary Body on Scientific, Technical and Technological Advice of the Conference of the Parties to the Convention on Biological Diversity, held at Montreal, Canada, from 10 to 14 March and from 10 to 14 November 2003;

4. *Reiterates* the WSSD commitment to negotiate within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources;

5. *Reiterates also* the WSSD commitment to promote the wide implementation of and continued work on the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits arising out of their Utilization, as an input to assist the Parties when developing and drafting legislative, administrative or policy measures on access and benefit-sharing as well as contract and other arrangements under mutually-agreed terms for access and benefit-sharing;

6. *Invites* the countries that have not yet done so to ratify the Convention on Biological Diversity;

7. *Welcomes* the entry into force of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity,[3] on 11 September 2003 and the convening of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, and invites the parties to the Convention that have not yet ratified or acceded to the Protocol to consider doing so;

8. *Emphasizes* that the effective implementation of the Cartagena Protocol on Biosafety will require full support from parties and relevant international organizations and further urges parties to facilitate capacity-building in biosafety in developing countries as well as countries with economies in transition, including to develop and strengthen national capacities for making the required information available to and interacting with the Biosafety Clearing House;

9. *Invites* countries to consider ratifying or acceding to the International Treaty on Plant Genetic Resources for Food and Agriculture;

10. *Encourages* developed countries parties to the Convention to contribute to the relevant trust funds of the Convention, in particular so as to enhance the full participation of the developing country parties in all its activities;

11. *Urges* parties to the Convention on Biological Diversity to facilitate the transfer of technology for the effective implementation of the Convention in accordance with its provisions;

12. *Underlines* the need for increased financial and technical resources for the implementation of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety by developing countries as well as countries with economies in transition, and in this regard welcomes the successful and substantial third replenishment of the Global Environment Facility;

---

[3] See UNEP/CBD/ExCOP/1/3 and Corr.1, part two, annex.

13. *Takes note* of the ongoing work of the liaison group of the secretariats and offices of the relevant subsidiary bodies of the United Nations Framework Convention on Climate Change,[4] the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa,[5] and the Convention on Biological Diversity, and further encourages continuing cooperation in order to promote complementarities among the secretariats, while respecting their independent legal status;

14. *Stresses* the importance of harmonizing the reporting requirements of the biodiversity-related conventions while respecting their independent legal status;

15. *Invites* the Executive Secretary of the Convention on Biological Diversity to continue reporting to the General Assembly on the ongoing work regarding the Convention, including its Cartagena Protocol;

16. *Decides* to include in the provisional agenda of its fifty-ninth session the sub-item entitled "Convention on Biological Diversity".

[4] United Nations, *Treaty Series*, vol. 1771, No. 30822.

[5] Ibid., vol. 1954, No. 33480.